IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, CIVIL JURISDICTION

FIRST APPEAL NO.274 OF 2001
WITH
CIVIL APPLICATION NO.496 OF 2004

The State of Maharashtra.)..APPELLANT

Versus

Shri Rajaram Ziparya Mhatre)
since deceased through his heirs:)
1.Smt.Nahadibai Rajaram Mhatre & Ors.)..RESPONDENTS

Ms.K.K.Tated, A.G.P.for the Appellant
Mr. U.S. Upadhya with Mr. S.G. Surana, for the Respondent

CORAM: F.I. REBELLO & ANOOP V.MOHTA, JJ.
DATE : 26th August, 2004

P.C.:

1. Appeal along with Civil Application are being disposed of by this common order.

2. Notification under Section 4 was published on 3rd February, 1970.

3. The award in respect of property identified under Survey No.547/2, 503/3, 597/2, 595/5, 595/3A and 595/2 was published on 8th March, 1985 and the award in respect of property identified under Survey No.504/2 was made on 24th June, 1985.

3. The possession of the land forming the subject matter was taken on 8th March, 1985 and 12th March, 1985.

4. The Pune Mumbai High from the land is situated at a distance of 700 meters.

5. Considering the judgment passed in First Appeal No.757 of 2003 with Civil Application No.514 of 2003 and First Appeal No.1782 of 2002 along with Civil Application NO.1078 of 2004 the market value of the land is fixed at Rs.25/- per sq. meter. Consequently, they are entitled to all consequential benefits.

6. Considering that the award under Section 11 was made after 20th April, 1982 the claimants would be entitled to compensation under Section 23(1)(A) of the Act.

7. In the light of that the First Appeal is partly allowed in terms what is set out above. Civil Application disposed of.

9. It is made clear that the compensation under Section 23(1)(A) would be payable in terms of the Act and not in terms as awarded by the Reference Court.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA, J)